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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,856	04/10/2001	Hsi-Hsun Huang	MSIP0038USA	6956

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BERKELEY LAW & TECHNOLOGY GROUP, LLP
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BEAVERTON, OR 97006

EXAMINER

GIBBS, HEATHER D

ART UNIT	PAPER NUMBER
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2625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/828,856

Applicant(s)

HUANG, HSI-HSUN

Examiner

Heather D. Gibbs

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Pages 2-5, filed 01/22/2007, with respect to the rejection(s) of claim(s) 1,3-24 have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art.

Response to Amendment

2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1,3-4,9-14,17,19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cantwell (US 6,594,690) in view of Kumpf (US 6,289,371).

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Cantwell teaches a server for a network, the server enabling a user at a station to scan a document at a scanner, the server comprising: a database of scanner drivers (device drivers stored at website at intranet server or internet server; Col 2 Lines 9-14); a driver selection system to enable the user to select a driver for the scanner from the database of scanner drivers in response to one or more inputs provided to a browser hosted at said station and received at said server over a data transmission network (computer communicates with server through connection; Col 2 Lines 3-8 user selects driver Col 3 Lines 3-7), and a delivery system to transfer said selected driver to said station(driver downloaded by website and installed on computer; Col 3 Lines 8-12).

Cantwell does not disclose expressly a destination selection system to enable said user to select a location from said browser for saving said scanning data (Col 3 Lines 3-7);

Kumpf discloses a destination selection system to enable said user to select a location from said browser for saving said scanning data (Col 6 Lines 17-41).

Cantwell & Kumpf are combinable because they are from the same field of endeavor, network scan servers.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to Kumpf with Cantwell.

The suggestion/motivation for doing so would have been for the added benefit of user-friendly services.

Therefore, it would have been obvious to combine Kumpf with Cantwell to obtain the invention as specified in claims 1,12, and 17.

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For claim 3, which is representative of Claim 22, Cantwell teaches wherein the predetermined location comprises a universal resource locator (URL) (Col 2 Lines 21-28).

Considering claim 4, Cantwell discloses wherein the location specifies a media to be used to save the scanning data (Col 2 Lines 15-20).

For claim 9, Cantwell teaches wherein the selected driver is transferred to the computer in a self-extracting file format (Col 2 Lines 45-53).

For claim 10, Cantwell discloses wherein the driver is adapted to be removed from the computer after the scanning data is saved in said location (Col 3 Lines 13-18).

For claim 11, Cantwell teaches wherein the server further comprises a network connected adapted to transmit information between said data transmission network and at least one of said driver selection system and/or said delivery system (Col 3 Lines 13-18).

Considering claim 13, Cantwell teaches wherein said server is further adapted to populate a menu viewable at said computer on said browser identifying two or more of said plurality of scanner drivers (Col 1 Lines 34-44).

Regarding claim 14, which is representative of claim 19, Cantwell teaches wherein said server is adapted to render said menu according to a hypertext transfer protocol (Col 2 Lines 20-34).

Considering claim 20, Cantwell teaches wherein said enabling selection of said at least one of said scanner drivers in response to said received information comprises receiving inputs from a menu rendered on said browser (Col 2 Lines 20-67).

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For claim 21, which is representative of claim 23, Cantwell teaches wherein said location comprised an electronic mail (e-mail) address (Col 2 Lines 21-28).

6. Claims 5-8,15,16,18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cantwell (US 6,594,690) in view of Kumpf (US 6,289,371) and further in view of House et al (US 6,785,805).

For claim 5, which is representative of claim 18, Cantwell and Kumpf disclose the server as described above.

Cantwell and Kumpf do not disclose expressly a login system adapted to enable said user to access said driver selection system following establishing an identity of the user.

House discloses a login system adapted to enable said user to access said driver selection system following establishing an identity of the user (Col 29 Lines 13-22).

Cantwell, Kumpf & House are combinable because they are from the same field of endeavor, network driver devices.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine House with Cantwell and Kumpf by incorporating a login system in the server.

The suggestion/motivation for doing so would have been to provide personalized user information, so that only authorized users are able to gain access to the server, and thus maintaining the security of the system.

Therefore, it would have been obvious to combine House with Cantwell and Kumpf to obtain the invention as specified in claim 5.

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For claim 6, House teaches wherein the login system is adapted to correlate the identity of the user with an account on the server, and wherein the scanning data is saved in association with the account (Col 29 Lines 23-42).

For claim 7, it would be inherent for the account to comprise an email account.

For claim 8, House teaches a viewing system for enabling the user to view the scanning data saved in the account (Col 11 Lines 56-67; Ref 100).

Regarding claim 15, House teaches wherein said server comprises a login system that enables said computer to access said driver selection system in response to authentication of said user (Col 29 Lines 13-22).

For claim 16, Cantwell discloses wherein said server is adapted to store one or more cookies on said computer in response to said authentication (Col 2 Lines 40-67).

7. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cantwell (US6, 594,690) in view of Kumpf (US 6,289,371) and further in view of Schneider et al (US 5,587,533).

Cantwell and Kumpf disclose the server as discussed above.

Cantwell and Kumpf do not disclose expressly wherein said destination selection system is further adapted to determine whether said user has write permission associated with said location; and warn said user if said location is not a valid destination for storing said scanning data.

Schneider discloses scanned data that is stored under a user defined file name and the user is queried if the scanned data is to be saved or not (Col 23 Lines 31-44).

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Cantwell, Kumpf & Schneider are combinable because they are from the same field of endeavor, scanning objects.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Schneider with Cantwell and Kumpf.

The suggestion/motivation for doing so would have been to provide a warning system for the user.

Therefore, it would have been obvious to combine Schneider with Cantwell and Kumpf to obtain the invention as specified in claim 24.

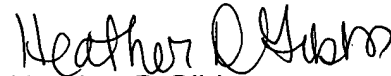
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D. Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-7PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung S. Moe can be reached on 571-272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Heather D Gibbs
Examiner
Art Unit 2625

hdg



AUNG S. MOE
SUPERVISORY PATENT EXAMINER
2/23/07